

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 28 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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COMMISSIONER OF WEALTH TAX

Versus

M K S SHIVRAJSINHJI OF GONDAL

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Appearance:

MR RP BHATT for Petitioner  
NOTICE SERVED for Respondent No. 1

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CORAM : MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE A.L.DAVE

Date of decision: 01/09/1999

ORAL JUDGEMENT

The following questions have been referred for opinion of  
this Court:

"(1) Whether on the facts and in the

circumstances of the case, the wealth tax liability is liable to be deducted from the total wealth of the assessee for the assessment year in question ?

(2) Whether on the facts and in the circumstances of the case, the gift tax liability is liable to be deducted from the total wealth of the assessee for the assessment year in question?"

According to the tribunal, both the questions were covered by a decision of this Court in C.W.T. vs. Kantilal Manilal , 88 ITR 125 and it was decided in favour of the assessee and against the revenue.

Our attention was invited to the fact that the above case of Kantilal Manilal was taken to the Supreme Court and in C.W.T. vs. Kantilal Manilal, 152 ITR 447, the appeal filed by the revenue was dismissed and the judgment of this Court was confirmed by the Supreme Court.

In view of the above decision of the Apex Court, in our opinion, both the questions must be answered in the affirmative, i.e. in favour of the assessee and against the revenue. Accordingly, Reference is disposed of. No order as to costs.

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